

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of

THE APPLICATION OF STONEBROOK SANITATION)	
COMPANY, INC., FOR A RATE ADJUSTMENT)	CASE NO.
PURSUANT TO THE ALTERNATIVE RATE FILING)	9135
PROCEDURE FOR SMALL UTILITIES)	

O R D E R

On October 16, 1984, Farmgate Homeowners' Association ("Farmgate"), by counsel, filed a Motion to dismiss the application, or in the alternative, to deny any rate increase. The Commission will treat the Motion to also include a request for full intervention.

The Commission, having considered the Motions and being advised, finds the following:

1. The Motion for Full Intervention should be sustained.
2. The Motion to dismiss should be denied because the reasons given by Farmgate are insufficient and spurious. The Company is eligible to file pursuant to 807 KAR 5:076 because it has less than 400 customers. Moreover, the Company has the burden of proof to justify its proposed rates and until the Commission's investigation is complete, a determination that the filing of the case is unnecessary and unsubstantiated cannot be made.

IT IS THEREFORE ORDERED that the Motion by Farmgate for Full Intervention be and it hereby is sustained.

IT IS FURTHER ORDERED that the Motion by Farmgate to dismiss the petition be and it hereby is denied for the reasons set out in Finding 2.

Done at Frankfort, Kentucky, this 2nd day of November, 1984.

PUBLIC SERVICE COMMISSION

Richard D. Hemmery
For the Commission

ATTEST:

Secretary